

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.28505 of 2016

L.Vaidyanathan

.. Petitioner

Vs.

1. The Principal Secretary and Commissioner
of Survey and Settlement,
Chennai - 5.

2. The Assistant Director,
Survey and Land Records,
Coimbatore,
Coimbatore - 18.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the Special Provident Fund, GPF and Encashment of Earned Leave amounts to the petitioner as directed in the similar Writ Petition 9882 of 2015 with interest and enhance the Subsistence Allowance from 50% to 75%.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.ARS Vijay Pandian
Additional Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed to direct the respondents to disburse the Special Provident Fund, GPF and Encashment of Earned Leave amounts to the petitioner with interest and enhance the Subsistence Allowance from 50% to 75%.

2. The case of the petitioner is that he was suspended from service on 18.8.2011 and a criminal case as well as a department enquiry is pending against the petitioner. In the meanwhile, he has now been retired from service and he is being paid only 50% of Subsistence Allowance. Therefore, the petitioner made a representation to the second respondent seeking enhancement of Subsistence Allowance from 50% to 75% and

also any other retirement benefits, which he is entitled to, under law. But till date the representation given by the petitioner has not been considered and hence, the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that the date of superannuation of the petitioner was on 30.06.2013 and due to the pendency of the criminal case and department enquiry, he was not permitted to retire from service. The learned counsel for the petitioner relying on the Order of this Court in W.P.No.9882 of 2015, dated 06.04.2015, seeks for the disbursement of retirement benefits and enhancement of Subsistence Allowance from 50% to 75%.

4. The learned Additional Government Pleader for the respondents has got no serious objection for directing the second respondent to consider the representation of the petitioner and pass appropriate orders in accordance with law.

5. Considering the submissions made on either side, this Court directs the second respondent, to consider the representation of the petitioner, dated 23.06.2016 in so far as to the enhancement of Subsistence Allowance from 50% to 75% and other retirement benefits, if he is eligible under law.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc
To

1. The Principal Secretary and Commissioner
of Survey and Settlement,
Chennai - 5.

2. The Assistant Director,
Survey and Land Records,
Coimbatore,
Coimbatore - 18.

+1 cc to Mr.P.Rajendran Advocate sr 46913

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